





# Town of Tiburon

## STAFF REPORT

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bedrooms. The upper level would contain a two-car garage, the master bedroom and bathroom, and a small balcony. An interior stairway would service both floors.

The proposed structure would create a gross floor area of 4,050 square feet, which is under the maximum permitted floor area for a parcel of this size (4,054.6 sq. ft.). The proposed structure would create a lot coverage of 3,940 square feet (19.2%) which is over the maximum permitted lot coverage in the RO-2 zoning district (15%). The applicant is requesting a variance for excess lot coverage.

The façade of the home would contain stucco siding, stone accents, clay mission roof tiles, and clad wood windows. A color/material palette will be available at the Board meeting for review.

### **ANALYSIS:**

#### **Design Issues**

The subject property is located on the corner of Mountain View Drive and Ridge Road and has a panoramic view which includes Angel Island, San Francisco, the Golden Gate Bridge and Sausalito. The site slopes downward along Mountain View Drive to the south and also down to the west.

The applicant has redesigned the proposed single-family dwelling to address the issues raised by the Board and the neighbor at 465 Ridge Road, and also to preserve viewsheds for the neighbors located above along Mountain View Drive. The revised design remains a partial two-story structure, but has been pushed further back towards Mountain View Drive and towards the south end of the site to alleviate concerns regarding privacy impacts on 465 Ridge Road. The structure would not be located within any of the setbacks, as was previously proposed and rejected by the Board.

The lot coverage would increase by 675 square feet from the previous proposal; however, the floor area ratio would decrease by 160 square feet. The proposal aims to keep a smaller second level on the home, with the majority of living space now located at the lower level. This would result in a scaled back design in both mass and scale from the street level and looking upward from 465 Ridge Road.

Concerns were previously raised about the proposed location of the swimming pool and its proximity to the main living area below at 465 Ridge Road. The proposed location of the swimming pool would now be shifted towards the southern end of the site. By shifting the pool location, any potential noise generated from activity would be directed toward the garage area instead of the main living area for the residents below.

The large rooftop deck has been eliminated from the proposal and replaced with a small (156 sq. ft.) deck/balcony located adjacent to the master bedroom on the south side of the structure. The flat roof area adjacent to the master bedroom on the west side is not proposed to be used as an additional rooftop deck. A parapet is proposed along the perimeter so that any person looking out of the windows at this side of the structure would not be able to peer downward into the main living area below at 465 Ridge Road. However, concerns have been raised from the



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downhill neighbor at 465 Ridge Road regarding the possible transformation of the area into a rooftop deck. A condition of approval has been included prohibiting any of the flat rooftop area of the structure to be converted into rooftop decking.

### Tiburon Hillside Design Guidelines

The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the hillside design of the house as proposed:

- *Goal 1, Principle 1 of the Hillside Design Guidelines states that a building should be cut into the hillside to reduce effective visual bulk.* Previously, the proposal would have created a looming effect for the residents below at 465 Ridge Road due to the proposed location of the home on the site and large second story. The revised drawings now indicate the home would be pushed further back, closer to Mountain View Drive and towards the south end of the site. The home would still be a partial two-story structure, but because of the revised location, there would not appear to be any privacy impacts on the downhill residents. Additionally, the size of the second story would be scaled back considerably, reducing the visual mass and bulk of the home.

The Design Review Board is encouraged to visit the site and surrounding neighbors' homes to view the story poles to better evaluate the extent of this proposal.

### Zoning

Besides the requested variance for excess lot coverage, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

### Variance

In order to grant the requested variance, the Board must make all of the following findings required by Section 16-4.3 of the Tiburon Zoning Ordinance.

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.**

The site is sloped downward to the south along Mountain View Drive and also to the west. The existing homes surrounding the subject property take advantage of views of Angel Island, San Francisco, and the Golden Gate Bridge from across the property. The home is proposed at the eastern side of the site, and towards the southern end to maintain existing view sheds and to reduce privacy impacts on the residents below. The lower level of the home would be fairly large, which would result in excess lot coverage; however, if the home were proposed as a full two-story structure, the home would encroach into the existing viewsheds across the property for the uphill residents. It would be unlikely that a full two-story structure at any area of the site would not somehow encroach into a neighbors' viewshed.



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2. **The variance will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.**

Many properties within the surrounding neighborhood and the RO-2 zoning district have been granted variances for excess lot coverage.

3. **The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.**

If the home were proposed as a full two-story structure to reduce the lot coverage, views from the adjacent properties would be impacted from the second story. The existing topography and views surrounding the subject site create a very difficult site for development.

4. **The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.**

The proposal seeks to keep a majority of the home at the lower level, which increases the lot coverage, but minimizes impacts on the view corridor for the adjacent residences.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance for excess lot coverage.

### Public Comment

To date, one letter has been received from the neighbor at 465 Ridge Road regarding the subject application.

### RECOMMENDATION

It is recommended that the Board should review the proposed project with respect to Zoning Ordinance Sections 16-4.2.7(Guiding Principles), 16-4.3 (Variances) and the Design Guidelines for Hillside Dwellings, and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303.

If the Board agrees with Staff's conclusions, Staff would recommend that the attached conditions of approval be applied.

### EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials
3. Letter dated January 21, 2007 from Catherine Mills and Jonathan Posin
4. Staff Report and Minutes from the December 7, 2006 Design Review Board meeting
5. Submitted plans

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### EXHIBIT 1

#### CONDITIONS OF APPROVAL

1896 Mountain View Drive

FILE #20630

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on November 1, 2006, or as amended by these conditions of approval. Any modifications to the plans of February 1, 2007, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
8. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.



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9. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
10. Prior to underfloor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.
11. The project shall comply with the following requirements of the Tiburon Fire Protection District:
  - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
  - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 310).
  - c. Approved spark arresters shall be installed on chimneys (UFC 1109).
  - d. All vegetation, existing and new, shall comply with the recommendations of Fire Safe Marin, and the requirements of UFC 1103.
12. The following requirements of the Marin Municipal Water District shall be met:
  - a. A High Water Pressure Water Service application shall be completed.
  - b. A copy of the building permit shall be submitted.
  - c. Appropriate fees shall be paid.
  - d. The structure's foundation shall be completed within 120 days of the date of application.
  - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
13. All requirements of the Town Engineer shall be met.
14. The flat roof area adjacent to the master bedroom on the west and south side shall not be converted into a rooftop deck.